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Administration
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Water Pollution Control
Facsimile 687-4684

Mining Regulations & Reclamation
Facsimile 684-5259

State of Nevada
KENNY C. GUINN
Governor



R. Michael Turnnspeed, Director

Waste Management
Corrective Actions
Federal Facilities

Air Quality
Water Quality Planning

Facsimile 687-6396

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

333 W. Nye Lane, Room 138
Carson City, Nevada 89706
ndep.nv.gov

Notice of Intent to Amend Regulation

The Administrator, Division of Environmental Protection, Carson City, Nevada is issuing the following notice of proposed action under the Nevada Revised Statutes, NRS 233B.0603. The Administrator is proposing various amendments to the Discharge Permits Regulations, Nevada Administrative Code (NAC) 445A.228 through NAC 445A.268. The mission of the discharge permits program is to protect the waters of the State from the discharge of pollutants. This is accomplished by issuing permits that define the quality of the discharge necessary to protect the quality of the waters of the State and by enforcing the state's water pollution control laws and regulations.

The U.S. Environmental Protection Agency, under authority of the Clean Water Act 33 U.S.C. 1362, has delegated Nevada authority to implement the State's National Pollutant Discharge Elimination System (NPDES) portion of the discharge permits program. The proposed amendments to the Discharge Permits regulation are necessary to ensure that Nevada retains primacy for the NPDES program by adopting regulations that are at least as stringent as the recently amended federal NPDES regulations, 40 CFR Parts 9, 122, 123, and 412. The proposed regulation amendment is not more stringent than the federal regulation.

The proposed regulation amendments focus exclusively on the permitting of concentrated animal feeding operations (CAFOs). NAC 445A.228.2.c.1. is proposed to be revised to include several new types of production facilities, i.e. swine weighing 55 pounds or less, laying hens with a liquid manure handling system, etc., and to adjust the animal threshold numbers to comply with the federal regulation. The mixed animal calculation, NAC 445A.228.2.c.2., is also proposed to be eliminated. NAC 445A.228.5. authorizes the Administrator to require a permit for an operation of any size, if the operation is identified as a significant contributor of pollution. The proposed regulation amendment will require any facility identified as a significant source of pollution to apply for a permit within ninety days of receiving notification of the designation. The proposed

NAC 445A.268 amendment will allow the Division to develop CAFO general permits with \$700 application and annual fees.

The estimated adverse immediate and long-term economic effects of the proposed regulation amendments on the business, which it is to regulate is minimal. The permittees will be required to submit copies of quarterly and annual reports and similar documents to the U.S. EPA; currently this information must only be submitted to the Division.

There is no estimated beneficial immediate economic effect of the proposed regulation amendments on the business, which it is to regulate. The beneficial long-term economic effects of the proposed regulation amendments on the business, which it is to regulate, is the reduced environmental impact to surface and ground waters and the potential resultant clean up costs and reduced property values. The Division has not attempted to quantify this long-term beneficial effect.

The proposed regulation amendments are not expected to expand the number of facilities requiring permits, therefore, the estimated cost to the Division for enforcement of the proposed regulation will be minimal.

Workshops will be held at the following locations to discuss the proposed regulation amendments:

Department of Conservation and Natural Resources
123 W. Nye Lane, Room 217
Carson City, Nevada 89706
Time: 1:00 PM
Date: February 19, 2004

Elko City Hall, Council Chambers
1751 College Avenue
Elko, Nevada 89801
Time: 2:00 PM
Date: February 17, 2004

Grant Sawyer Building
Capital Police Meeting Room, Rm 1100
555 East Washington Avenue
Las Vegas, Nevada 89101
Time: 1:00 PM
Date: February 25, 2004

Persons wishing to comment upon or object to any of the Administrator's proposed regulation amendments may do so by attending one of the Workshops and making public comment, or should submit their comments or request, in writing, within thirty (30) days of the date of newspaper publication, hand delivered or postmarked no later than 5:00 P.M. on February 26, 2004, either in person or by mail to:

Department of Conservation and Natural Resources
Division of Environmental Protection
Bureau of Water Pollution Control
333 West Nye Lane
Carson City, Nevada 89706-0851

All comments or objections received within the thirty (30) day period will be considered in the formulation of final determinations regarding the proposed regulation amendment. If the determinations of the Administrator are substantially changed from the tentative determinations, the Administrator will give public notice of the revised determinations. Additional comments and objections will be considered at that time.

The proposed amendments to the regulation are on file and may be copied or copies may be obtained by writing to the above address or by contacting Bruce Holmgren, Bureau of Water Pollution Control at (775) 687-9423 or at <mailto:bholmgre@ndep.nv.gov>. The office facsimile number is (775) 687-4684. The proposed regulation amendment and this notice can be viewed at and/or downloaded from the following website address: <http://ndep.nv.gov/admin/public.htm>.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

Please bring the foregoing notice to the attention of all persons who may be interested in this matter.

This Notice of Intent has been posted at the following locations:

Nevada State Library
100 North Stewart Street
Carson City, NV 89701

Division of Environmental Protection
333 West Nye Lane
Carson City, NV 89706

Division of Environmental Protection
1771 East Flamingo Road Suite 121-A
Las Vegas, Nevada 89119

Main Public Library
In each county that the Division
does not maintain an office.